

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claims 1 and 27 have been amended herein to change “an amino acid sequence as shown in SEQ ID NO:14” to “the amino acid sequence as shown in SEQ ID NO:14.”

Claims 1, 5-10, 27 and 29-31 are currently pending, and claims 19, 21 and 22 are withdrawn. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejections

Claims 1, 5-10, 27 and 29-31 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims fail to comply with the written description requirement. According to the Examiner, the recitation of “an amino acid sequence as shown in SEQ ID NO:14” still reads on small fragments of SEQ ID NO:14.

Without acquiescing to the Examiner's rejection, Applicants have amended claims 1 and 27 to recite “the amino acid sequence as shown in SEQ ID NO:14.” In view of the amendments and remarks herein, Applicants respectfully request that the rejection of claims 1, 5-10, 27 and 29-31 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 1, 5-10, 27 and 29-31 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims lack enablement. According to the Examiner, “an amino acid sequence as shown in SEQ ID NO:14” is a broad genus of peptides.

Without acquiescing to the Examiner's rejection and solely to expedite prosecution, Applicants have amended claims 1 and 27 to recite “the amino acid sequence as shown in SEQ ID NO:14.” In view of the amendments and remarks herein, Applicants respectfully request that the rejection of claims 1, 5-10, 27 and 29-31 under 35 U.S.C. §112, first paragraph, be withdrawn.

The 35 U.S.C. §102 Rejections

Claims 1, 5-10, 27 and 29-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Watt et al. (1994, *Blood*, 84:200-10); and claims 1, 5-7, 27 and 30 stand rejected under 35

U.S.C. §102(b) as being anticipated by Barnett et al (1993, *Mol. Cell. Biol.*, 13:1273-1282). According to the Examiner, because the claims refer to “an amino acid sequence as shown in SEQ ID NO:14”, the claims still read on fragments, and, therefore, read on Watt et al. and Barnett et al.

Without acquiescing to the Examiner's rejection and solely to expedite prosecution, Applicants have amended claims 1 and 27 herein to refer to “the amino acid sequence as shown in SEQ ID NO:14.” Therefore, as amended, claims 1 and 27 are not anticipated by Watt et al. or Barnett et al. In view of the amendments and remarks herein, Applicants respectfully request that the rejection of claims 1, 5-7, 27 and 30 under 35 U.S.C. §102(b) be withdrawn.

Request for Rejoinder

Applicants submit that the amendments herein result in a common technical feature between the pending claims and the withdrawn, non-elected claims 19, 21 and 22. For example, independent claim 19 corresponds essentially to a method of using the isolated peptide of claim 1. Therefore, Applicants request that claims 19, 21 and 22 be rejoined with the elected claims under PCT Rule 13 and MPEP §821.04.

CONCLUSION

Applicants respectfully request that claims 1, 5-10, 19, 21, 22, 27 and 29-31 be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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